

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

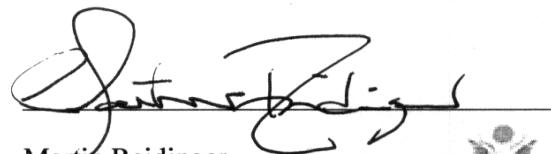
CIVIL CASE NO. 3:05cv283  
[Lead Case]

JOHN F. SIMONTACCHI, )  
                            )  
Plaintiff,              )  
                            )  
vs.                      )                            ORDER  
INVENSYS, INC.,        )  
                            )  
Defendant.             )  
                            )  
\_\_\_\_\_

**THIS MATTER** is before the Court on the Plaintiff's motion to consider matters outside the administrative record with regard to Plaintiff's ERISA claim. The motion is opposed.

After reviewing the Motion, the Response thereto and the record in this matter, the Court concludes that the Defendant's position is well taken. The evidence that Plaintiff seeks to submit in supplement to the record does not meet the standard for "exceptional circumstances" under Quesinberry v. Life Ins. Co. of North America, 987 F.2d 1017 (4<sup>th</sup> Cir.1993).

**IT IS, THEREFORE, ORDERED** that the motion to consider evidence outside of the administrative record regarding Plaintiff's ERISA claim is hereby **DENIED**.



Martin Reidinger  
United States District Judge



Signed: January 11, 2008